

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

JESSICA HODGES, et al.)	
)	
Plaintiffs,)	
)	Case Number: 4:22-cv-00067-WTM-CLR
vs.)	
)	
CHATHAM COUNTY, GEORGIA, et al.)	
)	
Defendants.)	

EXHIBIT 4

AFFIDAVIT OF KIMBERLY A. GRIFFIN

1. I am a paralegal at the Claiborne Firm. I am over the age of 18 and am of sound mind and body.

2. On September 17, 2020, I submitted an open records request to Sheriff John Wilcher. That request was for the following:

This request includes, but is not limited to, surveillance video and audio from any stake-outs, arrest warrants, body cameras worn by any and all officers involved, vehicle dashboard cameras of any and all officers involved, witness statements, 911 calls, arrest reports, supplemental reports, electronic documents, written documents, and the complete investigative file, handwritten notes, electronic notes, all documents, incident reports, final autopsy report, video and audio recordings accident reports, investigative reports, arrest records, interim autopsy coroner reports, case files, internal affairs records, initial incident reports, crime laboratory reports, criminal histories, medical records, chain of custody reports or logs, notes, letters, memos, jail documents, photographs, videotapes, audiotapes, summaries, telephone logs, electronic surveillance, and/or other materials (paper, electronic or otherwise) regarding any communications and/or investigations with or about Lee Michael Creely, including internal and external investigations. I have enclosed an Authorization for Release of Health Information on behalf of Lee Michael Creely.

3. Lawyers for the sheriff objected, noting that the matter was under criminal investigation. After a number of emails and telephone calls with the sheriff's lawyers and their staff, on June 9, 2021, the sheriff's office responded with two (2) jump drives containing documents and video, including one document within one of the jump drives titled "Creely Final Review Autopsy Submitted 020821 highlighted" with the names of Dr. Kenneth A. Ray and Dr. Ronald M. Shansky on top of the first page and dated September 29, 2020.

4. I attach the initial September 17, 2000 request, and the sheriff's June 9, 2021 response, and the fully redacted document with Dr. Ray and Dr. Shansky's name on the top of the first page to my affidavit as Exhibit 1.

5. I am familiar with the open records process in Chatham County, Ga. Over the years I have made dozens of requests to Chatham County and Sheriff Wilcher. Each time it is the county attorney's office who responds to the request and, as in the instant case, provides the public records.

Pursuant to 28 U.S.C.A. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Signed on this 6th day of February, 2023.



KIMBERLY A. GRIFFIN

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

JESSICA HODGES, et al.)	
)	
Plaintiffs,)	
)	
Vs.)	Case Number: 4:22-cv-00067-WTM-CLR
)	
CHATHAM COUNTY, GEORGIA, et al.)	
)	
Defendants.)	

EXHIBIT 1

Kim Griffin

From: Kim Griffin
Sent: Thursday, September 17, 2020 3:15 PM
To: 'John Wilcher (jtwilche@chathamcounty.org)'
Cc: Sherri Oliver; Donna Myers; Jonathan Hart; Will Claiborne; David Utter; Scott Robichaux
Subject: Open Records Request- Lee Michael Creely
Attachments: Chatham County Sheriff Office.pdf; 20200917-Creely-OR to CCSO.pdf

Tracking:	Recipient	Delivery	Read
	'John Wilcher (jtwilche@chathamcounty.org)'		
	Sherri Oliver		
	Donna Myers		
	Jonathan Hart		
	Will Claiborne	Delivered: 9/17/2020 3:15 PM	Read: 9/18/2020 10:44 AM
	David Utter	Delivered: 9/17/2020 3:15 PM	
	Scott Robichaux	Delivered: 9/17/2020 3:15 PM	

Please see attached open records request and HIPPA Authorization.

Very truly yours,

Kimberly A. Griffin
Paralegal to William R. Claiborne
David Utter, Scott C. Robichaux, and Casey Redwine

The Claiborne Firm, P.C.
410 East Bay Street
Savannah, Georgia 31401
Telephone: (912) 236-9559
Facsimile: (912) 236-1884
Cell Phone: (912) 695-4491
E-mail: kim@claibornefirm.com

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The Claiborne Firm, P.C.

Attorneys at Law

410 E. Bay Street

Savannah, Georgia 31401

www.claibornefirm.com

Telephone: 912.236.9559

Facsimile: 912.236.1884

William R. Claiborne

David J. Utter (GA, FL & LA)

Scott C. Robichaux (GA)

Casey L. Redwine (GA & NY)

writer's email: kim@claibornefirm.com

September 17, 2020

Via Electronic Mail Only

jtwilcher@chathamcounty.org

Sheriff John T. Wilcher
Chatham County Sheriff Office
1050 Carl Griffin Drive
Savannah, Georgia 31405

Re: Georgia Open Records Request

Dear Sheriff Wilcher:

Please allow this correspondence to serve as my request pursuant to the Georgia Open Records Act Request, (hereinafter "ORA") O.C.G.A. §50-18-70 et seq. I hereby request that, within three (3) business days, as required by the Act, you provide our office with copies of all documents, video and audio recordings related to any all investigations performed by the Chatham County Sheriff Office regarding the death of Lee Michael Creely (DOB: 05/07/1986) on or about September 6, 2020.

This request includes, but is not limited to, surveillance video and audio from any stake-outs, arrest warrants, body cameras worn by any and all officers involved, vehicle dashboard cameras of any and all officers involved, witness statements, 911 calls, arrest reports, supplemental reports, electronic documents, written documents, and the complete investigative file, handwritten notes, electronic notes, all documents, incident reports, final autopsy report, video and audio recordings accident reports, investigative reports, arrest records, interim autopsy coroner reports, case files, internal affairs records, initial incident reports, crime laboratory reports, criminal histories, medical records, chain of custody reports or logs, notes, letters, memos, jail documents, photographs, videotapes, audiotapes, summaries, telephone logs, electronic surveillance, and/or other materials (paper, electronic or otherwise) regarding any communications and/or investigations with or about Lee Michael Creely, including internal and external investigations. I have enclosed an Authorization for Release of Health Information on behalf of Lee Michael Creely.

If my request is denied in whole or in part, the law requires your agency to justify all redactions by reference to the exemptions in the Act, specifying code section, subsection and paragraph. O.C.G.A. § 50-18-71(d). The law requires you to release all other portions of a record that contains exempt material. O.C.G.A. § 50-18-72(b). Please provide a written description of

Claiborne|Fox|Bradley, LLC is of counsel to The Claiborne Firm, P.C.

Atlanta Office: 60 Lennox Pointe, Atlanta, Georgia 30324 · (404) 442.6969

Charlotte Office: 417 East Blvd., Suite 101, Charlotte, North Carolina 28203 · (704) 702.0300

Via Electronic Mail Only

jtwilcher@chathamcounty.org

Sheriff John T. Wilcher
Chatham County Sheriff Office
1050 Carl Griffin Drive
Savannah, Georgia 31405

Re: Georgia Open Records Request

September 17, 2020

Page 2 of 2

such records, together with a timetable for their inspection and copying. O.C.G.A. § 50-18-70 (f).

The Georgia Open Records Act/Freedom of Information Act Request sets criminal and civil penalties for any person or entity failing to comply with the terms of the Act. O.C.G.A. § 50-18-74. I request within three business days you provide me or a representative with access to, or exact copies of, the requested public records – including records in electronic form – or, where no actual official record exists, a complete or accurate account of the information requested. Please inform me prior to making these records available if costs are to exceed \$25.00.

Sincerely,

THE CLAIBORNE FIRM, P.C.

/s/: Kimberly Griffin
KIMBERLY A. GRIFIFN
Paralegal for the firm

KAG/slf

Cc: File



CHATHAM COUNTY ATTORNEY

R. JONATHAN HART
COUNTY ATTORNEY

JENNIFER DAVENPORT
ASSISTANT COUNTY ATTORNEY

124 BULL STREET
ROOM 230
SAVANNAH, GEORGIA 31401

PLEASE REPLY TO:
P.O. BOX 8161
SAVANNAH, GEORGIA 31412
T: 912-652-7881
F: 912-652-7887

June 9, 2021

David J. Utter, Esq
410 E. Bay Street
Savannah, GA 31401
anthonyminotti@ammrecovery.com

Re: Open Records Request dated May 1, 2021

Dear Mr. Utter:

Our office is in receipt of your Open Records Act request dated April 7, 2021 to Chatham County Sheriff's Department. Please consider this our initial response. In your request, you ask for copies of the following:

All documents, video, and audio recordings related to any and all investigations performed by the Chatham County Sheriff Office regarding the death of Lee Michael Creely (DOB: 05/07/1986) on or about September 6, 2020 to include:

A.) surveillance video and audio from any stake-outs, arrest warrants, body cameras worn by any and all officers involved, vehicle dashboard cameras of any and all officers involved, witness statements, 911 calls, arrest reports, supplemental reports, electronic documents, written documents, and the complete investigative file, handwritten notes, electronic notes, all documents, incident reports, arrest records, interim autopsy coroner reports, case files, internal affairs records, initial incident reports, crime lab reports, criminal histories, medical records, chain of custody reports or logs, notes, letters, memos, jail documents, photographs, videotapes, audiotapes, summaries, telephone logs, electronic surveillance, and/or materials regarding any communications, and/or investigations with or about Lee Michael Creely including internal and external investigations.

Please see the enclosed set of jump drives in response to your request.

Mr. Utter
June 9, 2021
Page 2

Sincerely,

/s/ Jennifer R. Davenport

Jennifer Davenport
Assistant County Attorney

JD/lsg
Encl.

Creely, Lee Michael
DIN: P1703141
DOB: REDACT
Chatham County Detention Facility
Death Chart Review Issues Identified

Dr. Kenneth A. Ray, DBH MEd, Dr. Ronald M. Shansky, MD, MPH
09/29/20

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